



EXPEDITED SPCC SETTLEMENT AGREEMENT
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7, 901 N. 5th ST., KANSAS CITY, KANSAS 66101

02 APR -5 PM 4:28

ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK

Facility Name: State Oil Lease

Location: Barton County, Kansas

Owner/Operator: Asher Associates, Inc. (Respondent).

On June 28, 2001, an authorized representative of the United States Environmental Protection Agency (EPA) conducted an inspection to determine compliance with the Oil Pollution Prevention (SPCC) regulations promulgated at 40 CFR Part 112 under Section 311(j) of the Clean Water Act (33 U.S.C. § 1321(j)) (the Act), and found that Respondent had violated regulations implementing Section 311(j) of the Act by failing to comply with the regulations as noted on the attached Spill Prevention Control and Countermeasure Inspection Findings, Alleged Violations, and Proposed Penalty Form (Form), which is hereby incorporated by reference.

If Respondent does not sign and return this Expedited Settlement as presented within 30 days of the date of its receipt, the proposed Expedited Settlement is withdrawn without prejudice to EPA's ability to file any other enforcement action for the violations identified in the Form.

This proceeding and the Expedited Settlement are under the authority vested in the Administrator of EPA by Section 311(b) (6) (B) (i) of the Act, 33 U.S.C. § 1321(b) (6) (B) (i), as amended by the Oil Pollution Act of 1990, and 40 CFR §§ 22.13(b) and 22.18(b), published at 64 Fed. Reg. 40137 on July 23, 1999. The parties enter into this Expedited Settlement in order to settle the civil violations described in the Form for a penalty of **\$3,000.00**. This settlement is subject to the following terms and conditions:

EPA finds that Respondent is subject to the SPCC regulations, which are published at 40 CFR Part 112, and has violated the regulations as further described in the Form. Respondent admits that he/she is subject to 40 CFR Part 112 and that EPA has jurisdiction over Respondent and Respondent's conduct as described in the Form. Respondent does not contest the Inspection Findings, and waives any objections it may have to EPA's jurisdiction. Respondent consents to the assessment of the penalty stated above. Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the violations have been corrected and Respondent has sent a certified check in the amount of **\$3,000.00** payable to the "Oil Spill Liability Trust Fund," to: "Commander, National Pollution Funds Center, United States Coast Guard, Ballston Common Office Building Suite 1000, 4200 Wilson Boulevard, Arlington, VA 22203." Respondent has noted on the penalty payment check "EPA" and the docket number of this case.

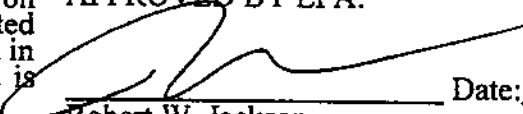
DOCKET NO: CWA-7-2002-0026

This Expedited Settlement resolves Respondent's liability for Federal civil penalties for the violations of the SPCC regulations described in the Form. However, EPA does not waive any rights to take any enforcement action for any other past, present, or future violations by Respondent of the SPCC regulations or of any other federal statute or regulations. By its first signature, EPA ratifies the Inspection Findings and Alleged Violations set forth in the Form.

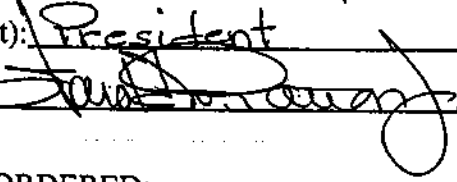
Upon signing and returning this Expedited Settlement to EPA, Respondent waives the opportunity for a hearing or appeal pursuant to Section 311 of the Act, and consents to EPA's approval of the Expedited Settlement without further notice.

This Expedited Settlement is binding on the parties signing below, and is effective upon the Regional Judicial Officer's signature.

APPROVED BY EPA:

 Date: 2/20/02
Robert W. Jackson
Chief, Emergency Response and Removal Branch
Superfund Division

APPROVED BY RESPONDENT:

Name (print): Asher Assoc, Inc.
Title (print): President
Signature: 


IT IS SO ORDERED:

 Date: April 5 2002
Robert L. Patrick
Regional Judicial Officer

INSTRUCTIONS ON REVERSE

Spill Prevention Control and Countermeasure Inspection Findings, Alleged Violations, and Proposed Penalty Form

(Note: Do not use this form if there is no secondary containment)
These Findings, Alleged Violations and Penalties are issued by EPA Region 7 under the authority vested in the Administrator of EPA by Section 311(b)(6)(B)(i) of the Clean Water Act, as amended by the Oil Pollution Act of 1990

Company Name Asher Associates, Inc.	Docket Number: CWA 7 - 2 0 0 2 - 0 0 2 6	
Lease Name	Inspection Date 06/28/01	
State	Inspection Number F Y - I N S P - 0 1 - 0 3 8	
Company Address 2350 E. Williamette Lane	Inspector's Name: Scott Hayes	
City: Greenwood Village	EPA Approving Official: Robert W. Jackson	
State: CO Zip Code: 80121	Enforcement Contacts: Jeff Weatherford Phone Number: (913)551-7695 Scott Hayes Phone Number: (913)551-7670	
Contact: Mr. Harold Patton		

Summary of Findings

OIL PRODUCTION FACILITIES (ONSHORE)

GENERAL TOPICS: 112.3(d), (e); 112.5(a), (b), (c); 112.7 (b), (c), (d)
(When the SPCC Plan review penalty exceeds \$1,000.00 enter only the maximum allowable of \$1,000.00 dollars.)

<input checked="" type="checkbox"/>	No Spill Prevention Control and Countermeasure Plan	\$ 1,000.00
<input type="checkbox"/>	Plan not certified by a professional engineer	300.00
<input type="checkbox"/>	Plan not maintained on site (applies if facility is manned at least eight (8) hours per day)	100.00
<input type="checkbox"/>	Plan not available for review	100.00
<input type="checkbox"/>	No evidence of three year review of plan by owner/operator	50.00
<input type="checkbox"/>	No plan amendment(s) if the facility has had a change in: design, construction, operation, or maintenance which affects the facility's discharge potential	50.00
<input type="checkbox"/>	Amendment(s) not certified by a professional engineer	100.00
<input type="checkbox"/>	Inadequate or no prediction of equipment failure which could result in discharges	100.00
<input type="checkbox"/>	Plan does not discuss appropriate containment/diversionary structures/equipment	100.00
 Installation of appropriate containment/diversionary structures is impractical		
<input type="checkbox"/>	No contingency plan	100.00
<input type="checkbox"/>	No written commitment of manpower, equipment, and materials	100.00

Written Procedures and Inspection Records 112.7(e)(8)

<input type="checkbox"/>	Inspections required by 40 CFR Part 112 are not in accordance with written procedures developed for the facility	50.00
<input type="checkbox"/>	Written procedures and a record of inspections are not signed by facility supervisor	50.00
<input type="checkbox"/>	Written procedures and a record of inspections are not made part of the plan	50.00
<input type="checkbox"/>	Written procedures and a record of inspections are not maintained for three years	50.00

Personnel Training and Spill Prevention Procedures 112.7(e)(10)

<input checked="" type="checkbox"/>	No training on the operation and maintenance of equipment to prevent discharges	50.00
<input checked="" type="checkbox"/>	No training on the applicable laws, rules, and regulations	50.00
<input checked="" type="checkbox"/>	No designated person responsible for spill prevention	50.00
<input checked="" type="checkbox"/>	Spill prevention briefings are not scheduled and conducted periodically	50.00
<input type="checkbox"/>	Plan has inadequate or no discussion of personnel training and spill prevention procedures ...	50.00

Oil Production Facilities, Onshore 112.7(e)(5)

<input checked="" type="checkbox"/>	Accumulated oil in the secondary containment system(s) is not picked up and returned to storage or properly disposed of in accordance with the regulations	200.00
<input checked="" type="checkbox"/>	Field drainage ditches, road ditches, and oil traps, sumps, or skimmers are not regularly inspected for oil, and/or oil is not removed	200.00
Drainage from diked areas:		
<input type="checkbox"/>	Drains for the secondary containment systems at the tank battery(ies) and central treatment stations are not closed and sealed at all times except when rainwater is being drained	300.00
<input type="checkbox"/>	Prior to drainage, rainwater runoff is not inspected to ensure compliance with water quality standards and could cause a harmful discharge	300.00
<input type="checkbox"/>	Bypass valve is not opened and resealed under responsible supervision	100.00
<input type="checkbox"/>	Adequate records of drainage events are not maintained	50.00
For Aboveground Storage Tanks:		
<input checked="" type="checkbox"/>	Tank material and construction are not compatible with the oil stored and the conditions of storage	300.00
<input checked="" type="checkbox"/>	Secondary containment appears to be grossly inadequate for tanks and central treating installations	500.00
<input type="checkbox"/>	Materials of construction are not sufficiently impervious	250.00
<input type="checkbox"/>	Excessive vegetation which affects the integrity of the containment system	100.00
<input type="checkbox"/>	Walls of containment system are slightly eroded or have low areas	200.00

<input type="checkbox"/>	Drainage from non-diked areas does not flow to a catchment basin or holding pond	500.00
<input checked="" type="checkbox"/>	Visual tank inspections are not conducted periodically by appropriate personnel and/or inspections do not include tank foundation and supports	300.00
<input type="checkbox"/>	Tank battery installations are not "fail-safe" engineered because <u>none</u> of the following are present	300.00
(1) Adequate tank capacity to prevent tank overfill; (2) Overflow equalizing lines between the tanks; (3) Vacuum protection to prevent tank collapse; (4) High level alarms to generate and transmit an alarm signal where facilities are part of a computer control system.		

Facility Transfer Operations

<input checked="" type="checkbox"/>	Above ground valves and pipelines are not examined periodically on a scheduled basis for general condition (includes items, such as: flange joints, valve glands and bodies, drip pans, pipeline supports, bleeder and gauge valves, polish rods/stuffing box.)	300.00
<input type="checkbox"/>	Brine disposal facilities are not examined often	300.00
<input type="checkbox"/>	Inadequate or no flowline maintenance program (includes: examination, corrosion protection and, flowline replacement)	300.00
<input type="checkbox"/>	Plan has inadequate or no discussion of oil production facilities	50.00

TOTAL \$ 3,000.00

VERIFY THE AUTHENTICITY OF THIS MULTI-TONE SECURITY DOCUMENT. ■ CHECK BACKGROUND AREA CHANGES COLOR GRADUALLY FROM TOP TO BOTTOM



Arapahoe Bank and Trust
ENGLEWOOD, COLORADO 80112

REMITTER: **HAROLD W. PATTON JR.**

DATE 3/27/02

PAY TO THE ORDER OF

***OIL SPILL LIABILITY TRUST FUND**

EXACTLY **3000 AND 00/100 DOLLARS

\$ 3,000.00

CASHIER'S CHECK

Don J. Chick, Jr.

⑈ 257459⑈ ⑆ 107001957⑆ 0900017⑈

THE ORIGINAL DOCUMENT HAS A WHITE REFLECTIVE WATERMARK ON THE BACK. HOLD AT AN ANGLE TO SEE THE MARK WHEN CHECKING ENDORSEMENTS.

FORM NO. LMB-01



Arapahoe Bank and Trust
ENGLEWOOD, COLORADO 80112

25745

REMITTER: **HAROLD W. PATTON JR.**

DATE 3/27/02

***OIL SPILL LIABILITY TRUST FUND**

EXACTLY **3000 AND 00/100 DOLLARS

\$ 3,000.00

CUSTOMER - FILE COPY

CASHIER'S CHECK

ARAPAHOE BANK AND TRUST

gjc

AUTHORIZED SIGNATURE

NOT NEGOTIABLE

Arapahoe Bank & Trust

IN THE MATTER OF State Oil Lease, Respondent
Docket No. CWA-07-2002-0026

CERTIFICATE OF SERVICE

I certify that the foregoing Expedited SPCC Settlement Agreement was sent this day in the following manner to the addressees:


Copy hand delivered to
Attorney for Complainant:

Kristina Kemp
Assistant Regional Counsel
Region VII
United States Environmental Protection Agency
901 N. 5th Street
Kansas City, Kansas 66101

Copy by Certified Mail Return Receipt to:

Asher Associates, Inc.
2350 E. Williamette Lane
Greenwood Village, Colorado 80121

Dated: 4/8/02


Kathy Robinson
Regional Hearing Clerk